

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN SENATE JULY 7, 2005

AMENDED IN SENATE JUNE 30, 2005

AMENDED IN SENATE JUNE 14, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1333

Introduced by Assembly Member Frommer
(Coauthors: Assembly Members Jerome Horton and Plescia)
(Coauthor: Senator Morrow)

February 22, 2005

An act to add Section 19318 to the Food and Agricultural Code, and to add Section 374.5 to the Penal Code, relating to grease waste haulers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1333, as amended, Frommer. Grease waste haulers.

Existing law generally regulates haulers of grease.

This bill would make it unlawful for any grease waste hauler to remove grease from a grease trap or grease interceptor unless the hauler removes all grease, greasy liquid, water, and solids from the grease trap or grease interceptor each time of removal, as specified. The bill would provide for civil enforcement against the hauling company for violation of these provisions.

The bill would make it an offense for a grease waste hauler to reinsert or otherwise improperly deposit grease materials ~~at any place~~

~~other than an authorized facility into a grease trap, manhole, or sewer appurtenance, discharge it in or on any waters of the state, or to transport grease removed from a grease trap or grease interceptor in the same vehicle used for transporting other waste. The bill would also make it an offense to manage or dispose of grease into a land treatment unit, as defined.~~ The bill would make the offenses punishable by imprisonment in a county jail for not more than 6 months, and a fine of \$10,000 for a ~~1st~~ *first* offense, or one year imprisonment and a fine of \$25,000 for a 2nd or subsequent offense. A court would be authorized to bar the defendant from engaging in grease hauling for up to 5 years, and could order, as a condition of probation, that the defendant remove or pay the cost of removing grease dumped in violation of these provisions, as specified.

By creating new offenses, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19318 is added to the Food and
- 2 Agricultural Code, to read:
- 3 19318. (a) It is unlawful for any grease waste hauler to
- 4 remove grease from a grease trap or grease interceptor unless the
- 5 hauler removes all grease, greasy liquid, water, and solids from
- 6 the grease trap or grease interceptor each time of removal. This
- 7 provision does not require that a grease interceptor or grease trap
- 8 be cleaned of de minimus residue that cannot be removed by
- 9 normal procedures such as pumping or other cleaning or residue
- 10 resulting from systems that have continuous flow.
- 11 (b) A violation of this section may only be enforced by civil,
- 12 not criminal, process, and may only be enforced against the
- 13 hauling company, not the employee of the company.
- 14 SEC. 2. Section 374.5 is added to the Penal Code, to read:

1 374.5. (a) It is unlawful for any grease waste hauler to
2 ~~reinsert~~, do either of the following:

3 (1) ~~Reinsert~~, deposit, dump, place, release, or discharge into a
4 grease trap, grease interceptor, manhole, cleanout, or other
5 sanitary sewer appurtenance or ~~the environment~~,

6 (2) ~~Cause or permit to be discharged in or on any waters of~~
7 ~~the state, or discharged in or deposited where it is, or probably~~
8 ~~will be, discharged in or on any waters of the state, any materials~~
9 that the hauler has removed from the grease trap or grease
10 interceptor, or to cause those materials to be so handled. Nothing
11 in this section shall prohibit the direct receipt of trucked grease
12 by a publicly owned treatment works.

13 (b) A grease waste hauler shall not transport grease removed
14 from a grease trap or grease interceptor in the same vehicle used
15 for transporting other waste, including, but not limited to, yellow
16 grease, cooking grease, recyclable cooking oil, septic waste, or
17 fluids collected at car washes.

18 (c) For purposes of this section, a “grease waste hauler” is a
19 transporter of inedible kitchen grease subject to registration
20 requirements pursuant to Section 19310 of the Food and
21 Agricultural Code, ~~who removes grease and accompanying~~
22 ~~materials from a grease trap or a grease intercepter and transports~~
23 ~~the materials to another location. For purposes of this section, a~~
24 ~~“grease waste hauler” does not include a hauler of grease from~~
25 ~~grease traps serving industrial processes that principally contain~~
26 ~~petroleum hydrocarbons.~~

27 (d) (1) ~~It is unlawful for any person to manage or dispose of~~
28 ~~grease removed from a grease trap or grease intercepter into a~~
29 ~~land treatment unit.~~

30 (2) ~~For purposes of this section, “land treatment unit” or “land~~
31 ~~farm” means a facility or part of a facility at which waste is~~
32 ~~applied onto or incorporated into the soil surface so that~~
33 ~~constituents are degraded, transformed, or immobilized with the~~
34 ~~treatment zone..~~

35 (e)

36 (d) Any person who violates this section shall be guilty of a
37 misdemeanor punishable by imprisonment in a county jail for not
38 more than six months or a fine of not more than ten thousand
39 dollars (\$10,000), or both a fine and imprisonment.

1 A second and subsequent conviction, shall be punishable by
2 imprisonment in a county jail for not more than one year, or a
3 fine of not more than twenty-five thousand dollars (\$25,000), or
4 both a fine and imprisonment.

5 ~~(f)~~

6 (e) Notwithstanding Section 1463, the fines paid pursuant to
7 this section shall be apportioned as follows:

8 (1) Fifty percent shall be deposited in the Environmental
9 Enforcement and Training Account established pursuant to
10 Section 14303 of the Penal Code, and used for purposes of Title
11 13 (commencing with Section 14300) of Part 4 of the Penal
12 Code.

13 (2) Twenty-five percent shall be distributed pursuant to
14 Section 1463.001.

15 (3) Twenty-five percent to the local health officer or other
16 local public officer or agency that investigated the matter which
17 lead to bringing the action.

18 ~~(g)~~

19 (f) If the court finds that the violator has engaged in a practice
20 or pattern of violation, consisting of two or more convictions, the
21 court may bar the violating individual or business from engaging
22 in the business of grease waste hauling for a period not to exceed
23 five years.

24 ~~(h)~~

25 (g) The court may require, in addition to any fine imposed
26 upon conviction, that as a condition of probation and in addition
27 to any other punishment or condition of probation, that a person
28 convicted under this section remove, or pay the cost of removing,
29 to the extent they are able, any materials which the convicted
30 person dumped or caused to be dumped in violation of this
31 section.

32 *SEC. 3. Nothing in this act shall prevent punishment instead*
33 *under any other criminal law. The imposition of a criminal fine,*
34 *incarceration, or a civil penalty under this act may be in addition*
35 *to any civil penalty imposed under any other law.*

36 ~~SEC. 3.~~

37 *SEC. 4. No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution because*
39 *the only costs that may be incurred by a local agency or school*
40 *district will be incurred because this act creates a new crime or*

1 infraction, eliminates a crime or infraction, or changes the
2 penalty for a crime or infraction, within the meaning of Section
3 17556 of the Government Code, or changes the definition of a
4 crime within the meaning of Section 6 of Article XIII B of the
5 California Constitution.

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